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US intelligence board is seen as lax

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WASHINGTON — Those responsible for its establishment see it as highly ironic that it would be the Intelligence Oversight Board that would have provided Lt. Col. Oliver L. North with the authorization to put together a network to provide apparently illegal support to the Nicaraguan rebels.

The board was formed to prevent just such questionable conduct.

Tucked away on the third floor of the Executive Office Building, the board's three part-time members and staff counsel make it tiny compared with other federal bureaucracies.

But its charter has provided the board with vital responsibilities — monitoring all sensitive covert operations by US intelligence agencies to make sure they do not violate federal law or ethical conduct, and advising the president of potential problems with such operations.

"The watchdog"

"We set it up to be the watchdog and we made sure it had the teeth to get the job done," said former Vice President Walter Mondale. As a US senator, Mondale recommended creating the board

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In an attempt to prevent a repeat of the excesses in covert intelligence activities that were disclosed by congressional hearings in the mid-1970s.

"But from what I can see Reagan has altered their course," said Mondale in a telephone interview last Friday. "I don't think they provide the same protection they once did."

In fact, according to the Tower Commission report, the board provided the authorization to North to carry on a broad range of possibly illegal activity in support of the Nicaraguan rebels between 1984 and late 1986.

A memorandum found in North's files, which the Tower Commission concluded was written by the Oversight Board, concluded in 1985 that North's activities were not in violation of federal law prohibiting the US govern-

ment from providing military assistance to the rebels. "None of Lt. Col. North's activities during the past year constitutes a violation of the Boland Amendment," the memorandum stated.

The exact date that the board's memorandum to North was written is not known, nor does the memorandum, as quoted in the Tower report, say which of North's activities were being clearing. But elsewhere in the report, the Tower Commission stated that during 1985, the year that the memorandum was written, North was embarked on putting together a private network to raise millions of dollars for military supplies for the rebels.

Compliance called unnecessary

More importantly, the board's memorandum concluded that North did not have to inform congressional committees of any covert activity that he was carrying out. The board's reasoning was that the National Security Council was involved in the "coordination" of covert action, and not actual implementation. As a result, the NSC and its staff did not have to comply with the federal law that mandates reporting to the House and Senate Intelligence committees of all covert action carried on by intelligence agencies of government.

Retired Adm. Stansfield Turner, director of the Central Intelligence Agency during the Carter administration, sharply criticized this reasoning on two grounds. "Any reasonable presentation of the facts" would have shown that North was involved in covert action, Turner said in a telephone interview. And, he said, the act that set up the US intelligence gathering apparatus in the late 1940s specifically referred to the NSC as part of the intelligence-gathering community.

Reviews legality

While refusing to comment on the legality of North's efforts, the Tower Commission stated that "systematic legal advice" should have been obtained for any operation that was so legally and politically risky. Instead, North turned to the Board for his advice and, the commission stated, that was an "odd source" to provide such a legal opinion.

The board's responsibility is to review the legality of covert operations being carried on by intelligence agencies, and to inform the president of its opinion of those operations. The report asserted that it was altogether different "for the Intelligence Oversight Board to be originating legal advice of its own."

The board has refused to comment on the Tower Commission's report and its members did not return phone calls last week. A spokesman for Frank C. Carlucci, President Reagan's recently appointed national security adviser, refused to say Friday whether a review of the board's legal work was under way.

None of the board's members were interviewed by the Tower Commission about how they might have prepared the memorandum for North and about who within the White House, including the president, may have been informed about North's activities.

Reagan has denied knowing that his NSC aide had secretly operated a private aid network for the rebels, but noting that the Oversight Board had direct access to the president, one former aide for the Senate Intelligence Committee said, "There's no telling what briefing he may have received in the Oval Office."

Carter years different

During the Carter administration, the board rejected a number of covert operations that were being proposed by intelligence agencies, said both Turner and Thomas L. Farmer, the board's chairman from 1977 to 1981. "The three of us were all from outside the administration, and we had no loyalties to the president or the agencies we were overseeing," said Farmer of his colleagues on the board, former Pennsylvania Gov. William Scranton and former Sen. Albert Gore Sr.

"We only considered the legality and propriety of an operation, but if we had a problem with anything we would express them in a memorandum to the president," said Farmer, a Washington lawyer. More often than not, Farmer

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recalled. Carter would return the memorandum to the board with its margins filled with notations, pressing for more information or harder analysis. Carter "knew from the hearings what sort of abuses had gone on before - domestic surveillance, assassinations, that sort of thing - and he was adamant those types of things weren't going to happen under him," Farmer recalled.

That level of skepticism of covert operations dimmed once the Reagan administration took office, according to two Democratic congressional sources. In 1981, less than a year after he was inaugurated, Reagan signed an executive order that removed from the board its power to reject a covert operation because of impropriety.

Monthly meetings

The board, which meets once a month and receives briefings about covert operations being planned by the Central Intelligence Agency and other intelligence-gathering agencies, can now only recommend rejection of a plan if they believe it violates a federal or state law.

And the board itself has undergone a dramatic change in its membership. Instead of its past nonpolitical bent, three of the four men who Reagan has appointed as members have close ideological ties to him. The board's chairman, W. Glenn Campbell, heads the conservative Hoover Institution at Stanford University. A major fund-raiser for Reagan, Campbell has been active in efforts to have the Reagan Presidential Library located at Stanford.

Also on the board are Charles Tyroler 2d, director of the Committee on The Present Danger, a conservative group based in Washington that focuses on defense issues, and Charles J. Meyers, a Denver lawyer and a former dean at Stanford Law School.

Meyers was appointed to the board after one of Reagan's first appointees, Frank D. Stella, a Republican fund-raiser and a successful Detroit manufacturer, had to resign because of business pressures.